

**ADDITIONAL MATERIAL
10:00 A.M. PUBLIC HEARING**

JANUARY 23, 2018

SUBMITTED AT THE REQUEST OF

**ENVIRONMENTAL PROTECTION
and GROWTH MANAGEMENT
DEPARTMENT**



Environmental Protection and Growth Management Department
PLANNING AND DEVELOPMENT MANAGEMENT DIVISION
115 S. Andrews Avenue, Room 329K • Fort Lauderdale, Florida 33301 • 954-357-6634 • FAX 954-357-8655

DATE: January 12, 2018
TO: Board of County Commissioners
FROM: Josie P. Sesodia, AICP, Director *J. Sesodia*
Planning and Development Management Division
SUBJECT: January 23, 2018 Commission Meeting – Public Hearing Item # 36
Medical Marijuana Dispensaries in BMSD

During discussion at first reading of the Ordinance, on January 9, 2017, the Board raised several questions. Please find the questions below with staff responses.

1. *What options does the Board have to regulate Medical Marijuana?*

The Board has zoning authority within the unincorporated Broward Municipal Service District (BMSD). Subsection 381.986(11)(b)1, Florida Statutes, provides that the Board may either ban Medical Marijuana dispensaries in the BMSD, or regulate them in the same manner as pharmacies are regulated.

2. *Is there a statutory deadline for adoption of this Ordinance?*

The Statute has no deadline for the Board to make a determination. However, the County Attorney has advised that currently, under the Statute, Medical Marijuana dispensaries are regulated as pharmacies. Therefore, unless the Board takes action to ban them, Medical Marijuana Dispensaries will continue to be permitted in BMSD in zoning districts where pharmacies are permitted, but without the additional parking requirements that are proposed in the Ordinance.

3. *Which BMSD locations would allow Medical Marijuana dispensaries?*

Please see attached Exhibits 1, 2 and 3 which were previously distributed to the Board on September 26, 2017 (Agenda item 34.)

4. *What action have municipalities in Broward County taken?*

Currently, 14 municipalities have chosen to ban Medical Marijuana Dispensaries and eight (8) have approved regulations to permit them. In addition, nine (9) have a temporary moratorium in place. Please see attached updated Exhibit 4.

5. *Could the Board enact an Moratorium?*

The Board could approve a temporary moratorium for six (6) months. However, that would require starting a new public hearing process. During the interim time period Medical Marijuana Dispensaries will continue to be permitted in BMSD in zoning districts where pharmacies are permitted, but without the additional parking requirements that are proposed in the Ordinance.

6. What is the status of the Medical Marijuana Advisory Board?

Per Article XVI Section 1-310 of the Code of Ordinances, the Advisory Board has twelve members, of which six have been appointed (as of 1/9/2018). The Board requires 7 members present for a quorum to conduct businesses.

	Member	Category	Date Appointed
1	Seth Hyman	Qualified Patient Advocate	12/5/2017
2	Nichole Fried	At large	12/5/2017
3	Ed Rebholz	At large	12/5/2017
4	Arby Barroso	Med. Marij. Industry outside FL	12/12/2017
5	Abby Freedman	Education/School Board	1/9/2018
6	Vacant	BSO	--
7	Vacant	Academic institution	--
8	Vacant	Academic institution	--
9	Vacant	Hospital Districts	--
10	Jay Work	Business & Economic Dev.	1/9/2018
11	Vacant	Business & Economic Dev.	--
12	Vacant	FL Dept. of Health	--

7. Could the Medical Marijuana Advisory Board (MMAB) review the Ordinance?

Per Article XVI Section 1-312(c) of the Code of Ordinances, the Advisory Board's duties and functions include: "Providing recommendations to the Board regarding regulations and fees related to medical marijuana treatment centers." However, the MMAB does not yet have sufficient members to form a quorum, and therefore has not yet held a meeting.

8. How were BMSD communities notified of the proposed Ordinance?

In addition to the public notices legally required for this ordinance, staff has reached out the Central County Advisory Board (which has members from Boulevard Gardens, Franklin Park, Roosevelt Gardens and Washington Park) and Broadview Park Civic Association on multiple occasions in person and by email. North County area of BMSD does not have a formal association. However, staff presented an update to North County BMSD residents at a recent workshop. Please see attached Exhibit 5 for additional information.

9. Are there any dispensaries in BMSD?

There is one licensed physician operating a medical office under the name "Marijuana Doctor", located at 1413 South State Rd 7 in Broadview Park neighborhood. This business is a medical office, not a dispensary. Staff have received inquiries from Medical Marijuana businesses concerning properties in Central County area of BMSD.

10. Are there any dispensaries in Broward County?

Currently, the Florida Department of Health's database lists 25 Licensed medical marijuana treatment centers are authorized to cultivate, process and dispense medical marijuana. None are in Broward County (two are located in Miami-Dade County).

11. Is Medical Marijuana a cash-only business?

Because Marijuana remains illegal under Federal Law, banks that regulated under federal law will not provide services to Medical Marijuana businesses. However, some community banks and/or credit unions may do so. First Green Bank, a Central Florida community bank, had provided

services in Florida, however it was recently reported to be “closing marijuana business accounts ahead of an acquisition by a larger financial institution” (Miami Herald 12/22/2017). In addition, Medical Marijuana is not covered by health insurance plans or Medicaid.

12. *In what forms can Medical Marijuana be dispensed to patients?*

As of this writing, State Law provides that Low THC Cannabis and Medical Marijuana can only be dispensed in medical forms (smokable marijuana leaves are not permitted.)

13. *Did Broward County BMSD voters support Medical Marijuana?*

A Constitutional Amendment was approved by in November 2016. Broward County residents voted approved 75.61% in Favor. Within the BMSD, the Supervisor of Election reports:

Central County precincts voted 74.44% in Favor;
Broadview Park precincts voted 71.03% in Favor; and
North County BMSD voted 76.66% in Favor.

14. *Would revenues from future business development remain in the BMSD?*

Revenues from Property taxes and Business Tax Receipts (formerly known as Occupational License fees) would be designated for the BMSD. Medical Marijuana purchases are exempt from Sales Tax.

Please feel free to contact me at (954) 357-6602 at your convenience if you have further questions or need additional information.

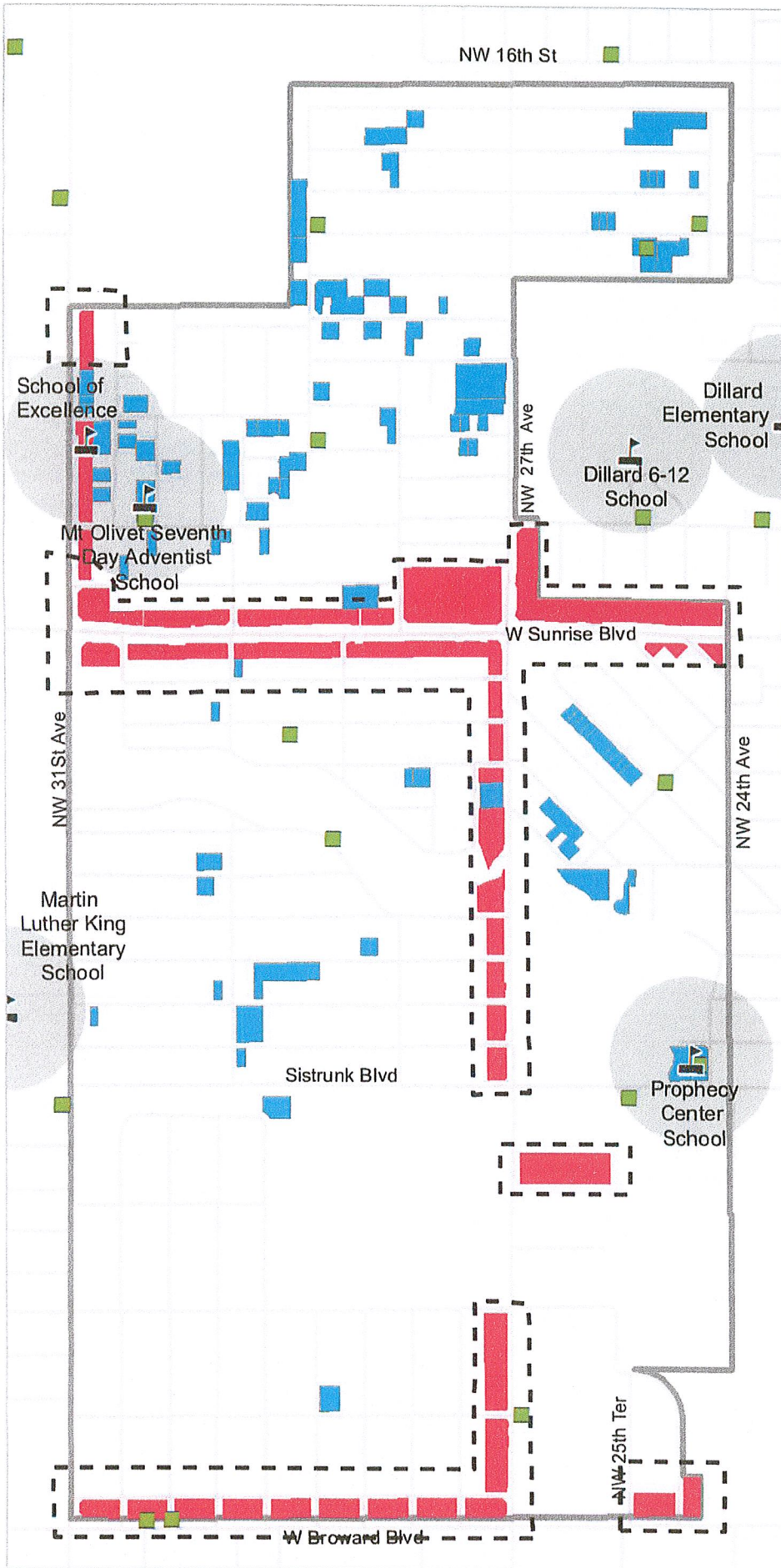
Attachments (5)

cc: Bertha Henry, County Administrator
Monica Cepero, Deputy County Administrator
Alphonso Jefferson, Assistant County Administrator
Andrew J. Meyers, County Attorney
Maite Azcoitia, Deputy County Attorney
Robert Melton, County Auditor
Henry Sniezek, Director, Environmental Protection & Growth Management
Lenny Vialpando, Deputy Director, Environmental Protection & Growth Management

Exhibit 1



Commercial Business
Zoned Parcels
more than
500 feet from Schools



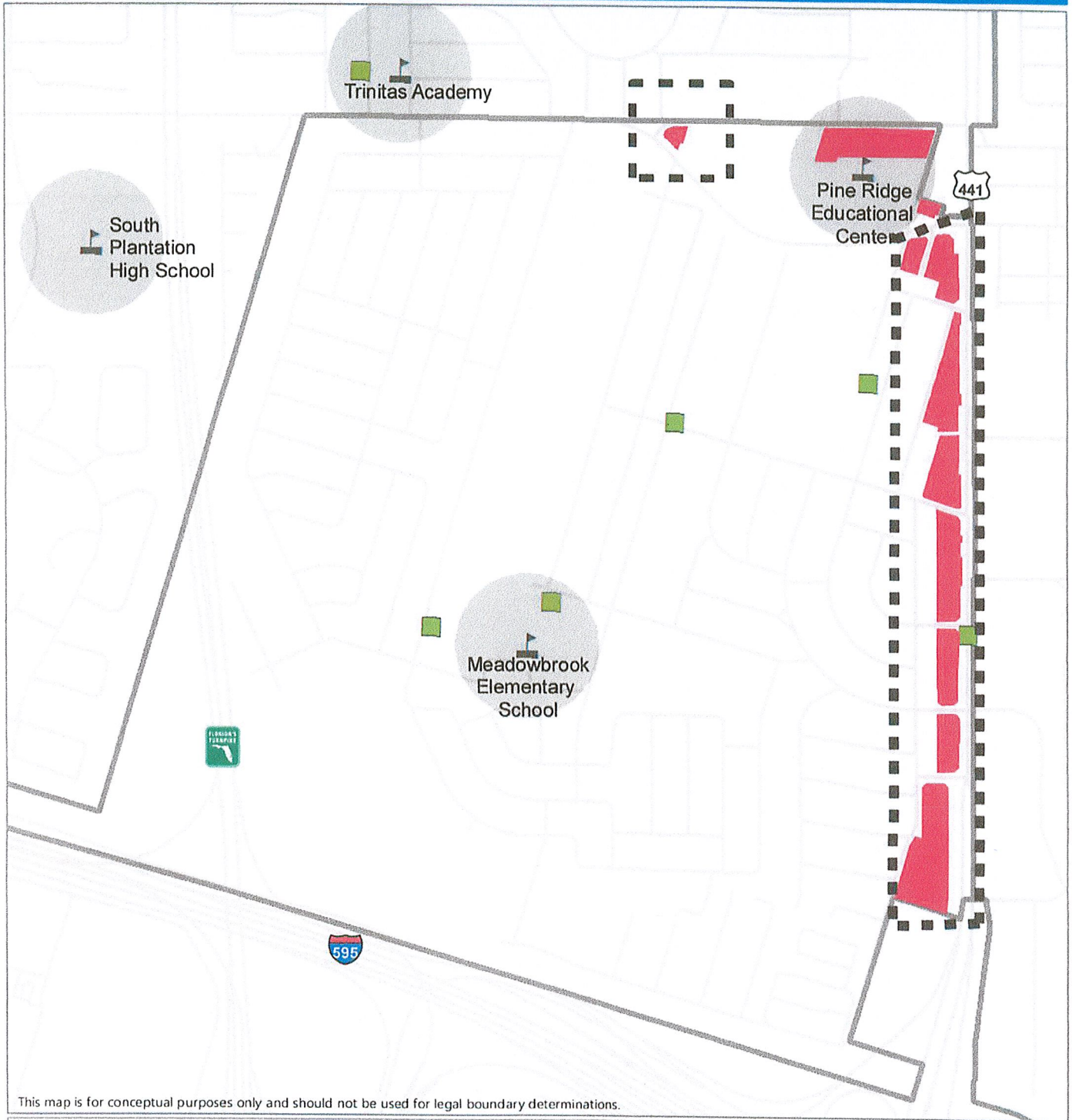
- Commercial Business Zoned Parcels
- School
- Childcare
- Places of Assembly
- 500 foot Radius around Schools
- Dashed line areas show potential locations for Medical Marijuana Facility



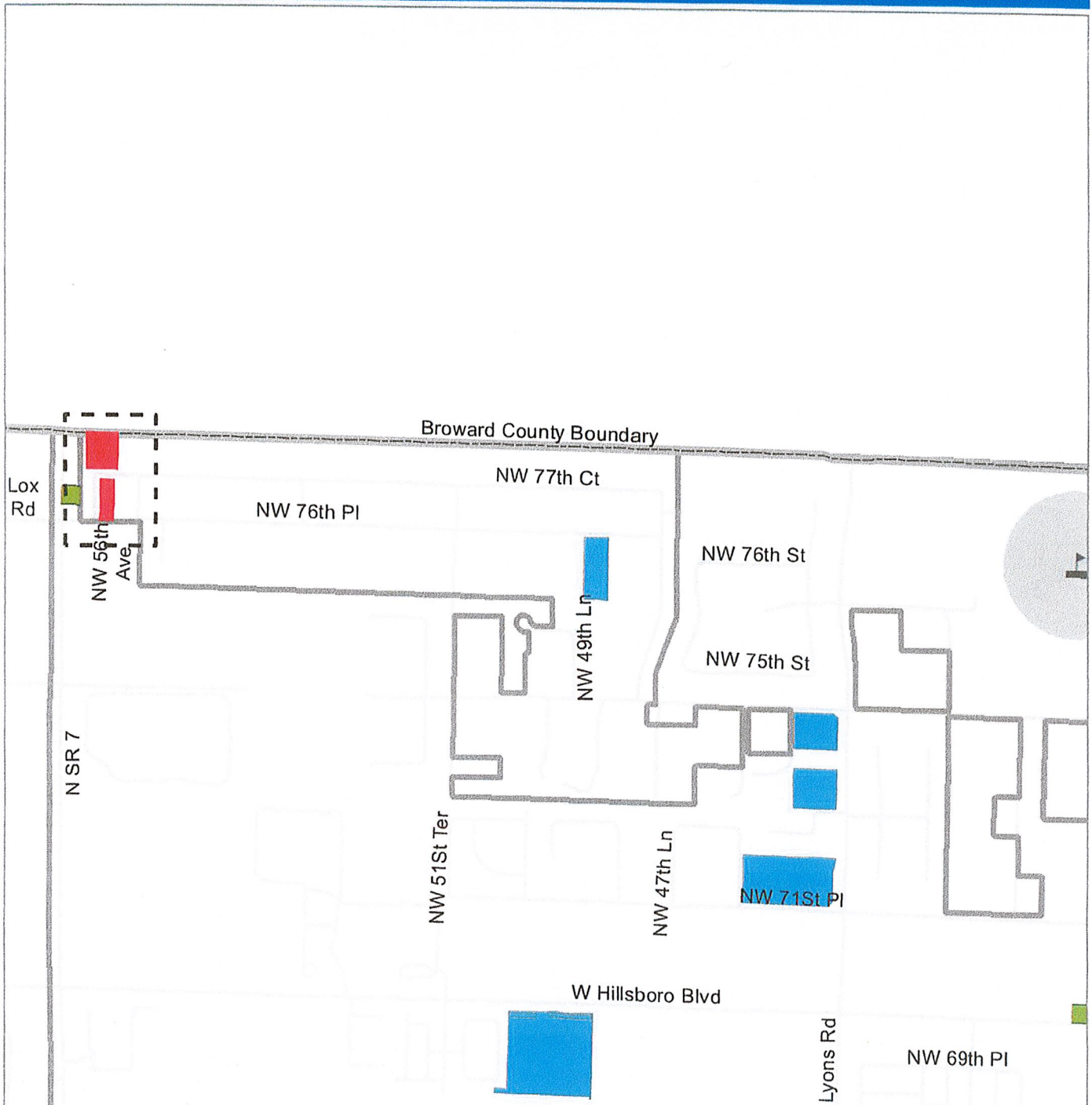
This map is for conceptual purposes only and should not be used for legal boundary determinations.









Prepared by: Broward County GIS
Planning and Development Management Division
Environmental Protection and
Growth Management Department



Dashed line areas show potential locations for Medical Marijuana Facility	500 foot Radius around Schools	Commercial Business Zoned Parcels	School
			Childcare
			Places of Assembly (none in Broadview Park)



This map is for conceptual purposes only and should not be used for legal boundary determinations.

-  Dashed line areas show potential locations for Medical Marijuana Facility
-  500 foot Radius around Schools
-  Commercial Business Zoned Parcels
-  School
-  Childcare
-  Places of Assembly

STATUS OF MEDICAL MARIJUANA ZONING REGULATIONS - Jan. 2018

Municipality	Ban	Temporary Moratorium	Regulating Use	Details
Coconut Creek			Regulate	Ord. 2017-9 adopted 4/13/17 - amending for SB-8A in 1/18
Cooper City	Ban			Ordinance 14-10-4
Coral Springs		In effect		Moratorium extended to 1/17/18 (Ord. 2017-10)
Dania Beach			Regulate	Ordinance 2017-026 adopted 8/22/2017
Davie	Ban			Ordinance adopted 11/1/17
Deerfield Beach			Regulate	8/15/17 Commission revised ordinance (voting not to ban)
Fort Lauderdale		In effect		Moratorium in effect until 05/06/2018
Hallandale Beach			Regulate	Ord. adopted 6/7/2017 - may need to amend for SB-8
Hillsboro Beach	Ban			Ord. 2017-296 adopted 9/13/2017
Hollywood			Regulate	City has existing separation of 1/2 mile for pharmacies
Lauderdale-By-The-Sea	Ban			2nd reading on 9/13/2017
Lauderdale Lakes	Ban			1st reading 11/6/2017
Lauderhill		In effect		
Lazy Lake				No Commerical Area
Lighthouse Point	Ban			Ordinance 2017-0948
Margate	Ban			Moratorium expires 4/6/18; Staff directed to draft Ord. to Ban 12/18/17
Miramar	Ban			Ord. Approved 11/27/2017
North Lauderdale		In effect		Moratorium - City intends to extend to 5/18
Oakland Park			Regulate	Ordinance adopted 10/2017
Parkland	Ban			Moratorium Ord. 2014-19; City intends to ban
Pembroke Park		In effect		Moratorium effective until 12/31/17
Pembroke Pines	Ban			Ord. 1882 adopted 9/6/17
Plantation	Ban			Ord. 2520 adopted 10/2014
Pompano Beach		In effect		6 mo. moratorium approved 7/25/17 (Ord. 2017-61)
Sea Ranch Lakes	Ban			
Southwest Ranches	Ban			Ord. 2017-009 adopted 7/27/2017
Sunrise		In effect		Moratorium effective until 1/28/18
Tamarac		In effect		6 mo. moratorium approved 5/3/17 (Ord. 2017-52)
West Park		In effect		Moratorium extended to 1/2018
Weston	Ban			
Wilton Manors			Regulate	Ord. adopted 2016 regulating locations (City may amend)
Unincorporated (BMSD)			Regulate	Ordinance pending 1/2018

Total	14	9	8	
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Prepared by EPGMD/Planning & Development Management Division

Date	Communication	Community
February 15, 2017	Central County Advisory Board (CCCAB) Meeting – Assistant County Administrator provided general update as informational only since there was no quorum.	CCCAB
February 21, 2017	PDMD Director met with Rev. Scipio	CCCAB member
February 23, 2017	Notice of Public Hearing held on March 14, 2017	Broadview Park Civic Assoc. and CCCAB
March 14, 2017	Public Hearing (Board of County Commissioners)	
April 4, 2017	Notice of Town Hall Meeting held on April 17, 2017	CCCAB & Roosevelt Gardens Community Leaders
April 17, 2017	Central County Town Hall Meeting – PDMD Director provided update	
May 3, 2017	Notice of Public Hearing for Zoning Amendment scheduled for May 23, 2017	CCCAB & Broadview Park Civic Assoc.
May 8, 2017	Reminder of Public Hearing for Zoning Amendment scheduled for May 23, 2017	All contacts via BMSD E-Distribution List including CCCAB members and Broadview Park Civic Association
May 12, 2017	Notice of Public Hearing Proposed Zoning Amendment on Commission Agenda	All contacts via BMSD E-Distribution List including CCCAB members and Broadview Park Civic Association
August 16, 2017	CCCAB Meeting PDMD Director provided update	CCCAB
August 18, 2017	Memo to the Board from PDMD Dir. regarding Item #116 on August 22, 2017 Public Hearing Agenda	CCCAB and Roosevelt Community Leaders
August 18, 2017	Memo to the Board from PDMD Dir. regarding Item #116 on August 22, 2017 Public Hearing Agenda	Broadview Park Civic Assoc. and contacts for Northern County
September 21, 2017	Notice of Board discussion on September 26, 2017 – Item #34	All contacts via BMSD E-Distribution List including CCCAB members and Broadview Park Civic Association
September 22, 2017	PDMD Director phone conversation with Rev. Scipio	
November 15, 2017	CCCAB Meeting PDMD Director provided update	CCCAB
December 7, 2017	Northern County Community Workshop PDMD Dir. provided update	Northern County
December 12, 2017	Notice of LPA Public Hearing held on December 21, 2017	All contacts via BMSD E-Distribution List including CCCAB members and Broadview Park Civic Association
December 20, 2017	2 nd Notice of LPA Public Hearing held on December 21, 2017	Broadview Park Civic Association CCCAB Northern County Contacts
December 21, 2017	LPA Hearing	